

National Labor Relations Board
OFFICE OF THE GENERAL COUNSEL
Advice Memorandum

DATE: September 15, 1990

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Amalgamated Transit Union, Local 1610 (Greyhound Lines, Inc.), Case 5-CB-6602; Amalgamated Transit Union (Greyhound Lines, Inc.), Case 5-CB-6618

501-8481, 501-8481-5000, 650-4412

These Section 8(b)(1)(A) cases are submitted for advice as to: (1) whether it would effectuate the purposes and policies of the Act to issue complaint in light of the Board order issued on June 19, 1990; and (2) whether the International ATU can be held responsible for the alleged misconduct.

FACTS

On June 19, 1990, [1] the National Labor Relations Board issued a consent order against the Amalgamated Council of Greyhound Local Unions, AFL-CIO (Council) and various Local Unions of the Amalgamated Transit Union (International), ordering them to post a Notice and to cease and desist from engaging in various forms of misconduct violative of Section 8(b)(1)(A) of the Act.[2]

In late May 1990, Bernard Demazuk, Labor Coordinator for the Rainbow Coalition, and Francis H. Motsay, President-Business Agent for the Amalgamated Transit Union, Local 1610 (Local 1610), planned a rally for June 19, 1990, in front of the Greyhound bus terminal located on First Street in Washington, D.C. In early June, the International agreed to pay for the cost of the banners and a sound system for the rally. On June 17, the International held a meeting at a hotel in Washington, D.C. for all its locals from around the country. The meeting was attended by about 18 Local Union presidents, including Motsay, and by Jim LaSalla, President of the International, Ellis Franklin, Executive Vice President of the International, and Olive Green the Financial Secretary-Treasurer of the International. Although the purpose of the meeting was to advise the locals about the status of the negotiations, during the meeting Motsay advised everyone about the rally and passed out flyers about it.

On June 19, at about 9: 30 a.m., people began showing up at the Greyhound terminal for the rally. Motsay began giving out picket signs at the start of the rally which stated: "Amalgamated Transit Union -- On Strike Against Greyhound for Unfair Labor Practices." Besides Motsay, Ralph Anderson, the Vice President of Local 1610 and 25 other people from Local 1610 were present. In addition, Jim LaSalla, President of the International, was also present.

The rally was attended by about 200 people, many of whom were from other unions or from the Rainbow Coalition. The large crowd stood in front of the terminal and blocked ingress and egress. Members of the crowd shouted obscenities and made threats. When a Greyhound bus attempted to enter the terminal, it was surrounded by picketers who snapped off the windshield wipers and blocked the driver's view with picket signs. The picketers then opened the engine compartment and baggage compartment of the bus. Some of the passengers' bags were removed and damaged. The terminal manager was tripped and a camera that he was using was struck by Harold Mendlowitz, the President of the New York Amalgamated Transit Union local. [3] At some point, Motsay and LaSalla attempted to get the crowd to open a path for the passengers, which they did. However, while they were doing so, the crowd was making threats to the driver and neither Motsay nor LaSalla tried to stop them. At about 10: 15 a.m., Jesse Jackson, a political figure associated with the Rainbow Coalition, arrived and the crowd moved away from the bus and ultimately the picketers left the area. After the rally, at about 12: 15 p.m., 100 people returned and again began shouting obscenities into the terminal. When another bus arrived, it was stopped by the picketers and its baggage compartment was opened.

ACTION

We conclude that a Section 8(b)(1)(A) complaint should issue, absent settlement, against both the International and Local 1610, for the reasons set forth below.

First, we conclude that the International violated Section 8(b)(1)(A) of the Act in that it was responsible in part for the misconduct that occurred at the rally on June 19. We note that the International financially supported the June 19 rally, that the picket signs at the rally referred exclusively to the International, that the rally was discussed at a meeting called by the International on June 17, and that the President of the International was present at the rally. Further, except for a belated effort by LaSalle to clear a path for bus passengers, the International did not attempt to stop the misconduct.

Second, we conclude that a Section 8(b)(1)(A) complaint should issue against Local 1610. The Region found that Local 1610 authorized the rally and that Local 1610 members or agents of Local 1610 engaged in the misconduct.

We recognize that a Board order and court decree have already been secured. However, that order and decree do not run against the International. Concededly, the order and decree do run against Local 1610. However, since we are proceeding against the International, and since a complete factual presentation would include the evidence as to Local 1610, we would proceed against that Local as well.

Accordingly, a Section 8(b)(1)(A) complaint should issue against the International and Local 1610 for the reasons set forth above.[4]

H.J.D.

[1] All dates are in 1990, unless otherwise indicated.

[2] This Board order was subsequently enforced by the Court of Appeals.

[3] The New York Amalgamated Transit Union local is not charged here.

[4] Since a court decree did not exist on June 19, the conduct on that date was not contumacious.